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FROM NAME: James R. Miner (Reg. No. 40,444)
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1. Response To Restriction Requirement; and
2. Certificate of Transmission, 1 page

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OPERATOR

DATE: November 3, 2003
TIME:
CLIENT/MATTER NAME: GE Industrial
CLIENT/MATTER NO.: 57761.000108

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Attorney Docket No. 57761.000108
Application No. 10/063,985
Client Reference: 03DS-6773

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Application No.: 10/063,985
Attorney Docket No. 57761.000108

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :

Allen M. RITTER

Application No.: 10/063,985

Filed: May 31, 2002

For: HEAT SINK ASSEMBLY

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Group Art Unit: 3743

Examiner: Allen J. FLANIGAN

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RESPONSE TO RESTRICTION REQUIREMENT

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Sir:

In response to the Office Action mailed October 2, 2003, Applicant hereby traverses the election of species requirement and requests reconsideration and withdrawal of such requirement.

A. SUMMARY OF RESTRICTION REQUIREMENT

The Office Action asserts that this application contains claims directed to one or more of the following parentable distinct species of the claimed invention: the species of Fig. 1-4, the species of Fig. 5, the species of Fig. 6, and the species of Fig. 7. The Office Action indicates that Applicant is required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Office Action asserts that currently claims 1-6 and 29-37 are generic.

B. ELECTION

In the event that the election requirement is not withdrawn, Applicant hereby provisionally elects the species of Figs. 1-4, with traverse. Applicant has reviewed the claims

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and identify claims 7-16, 18-22, 24, 27 and 28, in addition to the generic claims, as readable on the elected species. Applicant believes that claims 17, 23, 25, 26 and 38 are not readable on the elected species.

Accordingly, in view of the election of species requirement, Applicant requests examination of claims 1-16, 18-22, 24 and 27-37.

C. TRAVERSAL

Applicant respectfully traverses the election of species requirement, as follows. It is respectfully submitted that a complete and thorough search of the claims identified above as readable on the elected species would involve a search of the areas relevant to the non-elected claims. Accordingly, Applicant submits that the burden on the Examiner does not warrant requiring Applicant to pay duplicative PTO fees and perform duplicative prosecution to obtain patent protection for the present invention.

Withdrawal of the election of species requirement is respectfully requested.

D. CONCLUSION

Applicant believes that no fees are necessary in connection with the filing of this document. In the event any fees are necessary, please charge or credit any such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206.

The Examiner is respectfully requested to call Applicant's undersigned representative at the telephone number below if such would assist in the examination of the application.

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In view of the above remarks, it is thus respectfully requested that the election requirement be withdrawn and that all claims be allowed to be prosecuted in the same application.

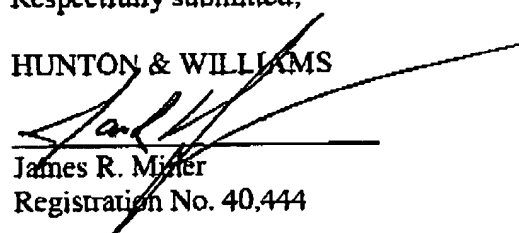
Date: November 3, 2003

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Respectfully submitted,

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